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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/829,517

04/22/2004

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22153-00001

7348

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06/19/2007

EXAMINER

SAADAT, CAMERON

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/829,517

Applicant(s)

HARTENBERGER, AURELIA

Examiner

Cameron Saadat

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In response to amendment filed 4/5/2007, claims 1-25 are pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12, 14-20, and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by George et al. (US 5,978,648; hereinafter George).

This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

Regarding claims 1, 16, and 22, George discloses a computerized method for curriculum planning using a curriculum planning tool, the method comprising: selecting a grade level, an academic discipline and a corresponding course (See col. 5, lines 50-60); entering local objectives to be met by the selected course; aligning the local objectives with one or more standards; mapping the selections, local objectives, and standards into one or more key concepts that support interdisciplinary connections and promote conceptual development (See col. 6, lines 48-58); and thereby allowing an instructor to develop instructional activities for the selected course that teach key concepts, processes, and critical content; and assessing the curriculum against the standards using criterion-reference assessments that are aligned with a learning process complexity and based on instructional activities. See Fig. 44 – District goal ratings, goal met, goal not met.

Regarding claim 2, George discloses the feature of selecting discipline specific processes that are organized by learning process complexity; and selecting a critical content and vocabulary for the

Art Unit: 3714

discipline specific processes as identified in a scope and sequence for the discipline aligned with the national standards. See Col. 6, lines 13-19, 48-58.

Regarding claim 3, George discloses a method wherein mapping the selections, local objectives, and standards into one or more key concepts comprises supporting a conceptual framework that incorporates a hierarchy of conceptual development for the conceptual process. See Fig. 3, Performance task list.

Regarding claim 4, George discloses a method further comprising formatting interdisciplinary connections through integration of shared discipline concepts. See Fig. 3, Social Studies/ Language arts.

Regarding claim 5, George discloses a method further comprising developing a framework for sequential strategies based on learning process complexity. See Fig. 3, grades K-12.

Regarding claim 6, George discloses a method wherein developing instructional activities for the curriculum comprises developing and aligning instructional activities for the curriculum that teach a structural process of conceptual development and the relationships between concepts and factual knowledge, a sequential complexity of the learning process and its relationship to skill-based objectives (See Fig. 44, Demonstrate presentation skills), and the development of both discipline specific concepts and common discipline-shared concepts for interdisciplinary connections and integration of knowledge. See Fig. 4A, District goals and Course Goals.

Regarding claim 7, George discloses a method wherein the standards include district standards and school standards. See col. 6, lines 38-39.

Regarding claim 8, George provides an assessment for a student based on a result of the instructional activity. See col. 7, lines 43-51.

Art Unit: 3714

Regarding claim 9, George aligns the assessment with the key concepts and state discipline-specific grade-level expectations. See Fig. 11, ref. 176.

Regarding claims 10 and 23, George selects a standard and prepares a report illustrating which of the instructional activities apply to the selected standard. See Fig. 4A, District goals and Course Goals.

Regarding claims 11 and 18, George discloses a selected standard that comprises a content standard and a process standard. See Figs. 4A, 29-30.

Regarding claim 12, George discloses an instructional strategy and assessment type in the report for each instructional activity. See Fig. 4A – Performance Criteria.

Regarding claim 14 George discloses a course further comprising selecting a subtopic within the course. See Fig. 3, Social Studies/Language arts and associated topics below.

Regarding claim 15, George discloses a method wherein mapping the selections, local objectives, and standards into one or more concepts comprises: identifying a topic; and viewing the topic through a conceptual lens connecting components in one or more disciplines. See Fig. 4A, ref. 45.

Regarding claim 17, George discloses a computer programmed to accept input data relating to selection of a standard and to generate a report illustrating which of the instructional activities apply to the selected standard. See Fig 2B, ref. 37.

Regarding claim 19, George discloses a computer wherein the report includes an instructional strategy and assessment type for each instructional activity. See Fig. 4A.

Regarding claim 20, George discloses a report that includes the academic discipline, grade level, and course for each instructional activity. See col. 5, lines 50-60.

Art Unit: 3714

Regarding claim 24. George discloses making changes to the curriculum based on the instructional activities that align with a selected concept. See Col. 16, lines 2-11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 13, 21, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over George in view of Pellegrino et al. (US 6,149,441; hereinafter Pellegrino).

This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

George discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of reporting which instructional activities are applicable to a career path. However, Pellegrino teaches an educational system having a curriculum manager and lesson plan components and career opportunities that are related to each lesson. See Pellegrino, Col. 17, lines 55-60. Thus, in view of Pellegrino, it would have been obvious to one of ordinary skill in the art to modify the curriculum planning system and method described in George, by providing instructional activities and indicating the

Art Unit: 3714

career path associated with the activity, in order to show a student the real world application of what is being learned.

Response to Arguments

Applicant's arguments filed 4/5/2007 have been fully considered but they are not persuasive. It is emphasized by applicant that George et al. do not describe, nor suggest, a method for curriculum planning that includes mapping selections, local objectives, and standards into one or more key concepts that support interdisciplinary connections and promote conceptual development. Applicant additionally purports that there is no mention in George et al. of planning or developing instructional activities for the selected course that teach key concepts, processes, and critical content. The examiner disagrees.

The examiner notes the following definitions in applicant's specification: "Concepts are ideas based upon experiences". See p. 4, paragraph 19. In addition, applicant describes critical content as "factual knowledge and skill based objectives". See P. 5, paragraph 21. George discloses an instructional task planner for viewing and maintaining tasks for an academic year for a given date, week, or month by a grade or subject (See Col. 5, lines 50-60); wherein the academic subjects are for grades k-12, including writing, math, science, interdisciplinary projects, foreign language, business, theatre, cooperative learning, journalism, art, music, and sports (See Col. 6, lines 14-18); toolbar 40 for accessing multimedia tools for the creation of presentations (See Col. 6, lines 27-32); information including district and school goals that are assigned to the task, rubrics and exemplars linked to the task, and procedural criteria and evaluative criteria (See Col. 6, lines 34-41). Accordingly George teaches a method of planning and developing instructional activities that teach key concepts, processes and critical content.

Applicant additionally argues that the goal-based system of George et al. is focused simply on course content, while the presently claimed method also includes planning of content through which the content is absorbed. It is noted by the examiner that there is no claimed step of absorbing content in the claims.

Art Unit: 3714

It is further argued by applicant that George et al. only describe folders that have nothing to do with mapping or framing key concepts. The examiner disagrees.). George discloses information including district and school goals that are assigned to the task, rubrics and exemplars linked to the task, and procedural criteria and evaluative criteria (See Col. 6, lines 34-41).

Applicant argues that George et al. do not suggest formatting interdisciplinary connections through integrations of shared discipline concepts. The examiner disagrees. George discloses academic subjects for grades k-12, including writing, math, science, *interdisciplinary projects*, foreign language, business, theatre, cooperative learning, journalism, art, music, and sports (See Col. 6, lines 14-18).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is (571) 272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.

Art Unit: 3714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cameron Saadat
June 11, 2007



ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER